

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, SEPTEMBER 3, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Jennifer Villaseñor, Rami Talleh, Kimberly De Coite
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: MITIGATED NEGATIVE DECLARATION NO. 2008-010 (HUNTINGTON HARBOUR BULKHEAD REPAIR PROJECT))

APPLICANT: Natalie Chen, Tetra Tech, Inc.
PROPERTY OWNER: Various/ 30 single family properties within Huntington Harbour
REQUEST: To analyze the potential environmental impacts associated with repair of the bulkhead at 30 existing single-family residential properties within Huntington Harbour. The purpose of the project is to restore the foundation of the bulkhead and provide toe protection to inhibit any future scoring or erosion, which may jeopardize the bulkhead's structural integrity. The repair project would consist of three phases: pile repair, placement of sheet piles and installation of slope protection, although not all phases would apply to all properties. The proposed project is subject to approval of a coastal development permit from the California Coastal Commission.

LOCATION: 30 properties in Huntington Harbour, City of Huntington Beach (includes properties on Davenport Island, Trinidad Island, Gilbert Island, Humboldt Island, Edgewater Lane and Morning Star Drive.)

PROJECT PLANNER: Jennifer Villaseñor

Jennifer Villaseñor, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the multiple project sites. Staff presented an overview of the proposed project and the suggested findings and mitigation measures for approval as presented in the executive summary.

Ms. Villaseñor reported that during the mandatory 30 day CEQA public comment period three letters were received: a standard letter from the Native American Heritage Commission

indicating that any archaeological or historical impacts should be mitigated, and letters from the Environmental Board and Caltrans, citing no concerns.

During the public noticing period for the meeting one letter from a resident was received, asking that Tetra Tech not trespass on that particular property. Ms. Villaseñor stated that the property in question was not involved in the project and no trespassing would take place.

Ms. Villaseñor noted that this request is similar to previously approved projects.

THE PUBLIC HEARING WAS OPENED.

Natalie Chen, applicant, stated that she had no questions or comments.

Beaver Stanton, 16566 Ensign Circle, stated that a property listed in the request is adjacent to her property. She asked about any effects this might have on her property.

Ms. Villaseñor stated that impacts to adjacent properties were looked at during the completion of the Environmental Assessment and that there should be no impact to Ms. Stanton's property outside of an increase in noise on the day that the slope protection work is completed on the adjacent property.

Ms. Chen stated that when the rock is placed it skirts outward and should provide a small amount of additional protection to Ms. Stanton's property.

Walter Nisbet, 16777 Bolero Lane, inquired about the procedure for property owners not participating in the project.

Ms. Villaseñor stated that the process is voluntary and that the city has no enforcement power. She stated that Tetra Tech worked diligently with the property owners to inform them of the possible consequences if the structural integrity of the bulkhead is compromised.

Mr. Nisbet made further inquiries about the consequences of neighboring properties not participating in the repair process and any possible recourse.

Mr. Ramos indicated that the matter in question was a civil issue and encouraged Mr. Nisbet to address his concerns to the Homeowner's Association.

Bruce Rieser, 4171 Morningstar, stated that the Homeowner's Association has circulated literature regarding the bulkheads.

Mr. Nisbet asked for clarification on Tetra Tech's role in the construction. Ms. Chen stated that Tetra Tech would be involved in supervising the construction.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Talleh noted that this application only addresses environmental impacts and that the city does not have any permit jurisdiction over the actual construction of the wall. He stated that the applicant will be required to submit an application to the California Coastal Commission

seeking approval of a Coastal Development permit. That permit from the California Coastal Commission and other state agencies will actually authorize the work.

Mr. Ramos stated that based on the information provided, including the Environmental Assessment, he is in agreement with staff's findings and will approve the request as recommended by staff.

MITIGATED NEGATIVE DECLARATION NO. 2008-010 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 2008-010

1. Mitigated Negative Declaration 2008-010 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of 30 days. Comments received during the comment period were considered by the Zoning Administrator prior to action on Mitigated Negative Declaration No. 08-010.
2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures address water quality, potential impacts to eelgrass and the loss of soft bottom habitat. Mitigation measures were generally designed to minimize impacts to the flora and fauna of Huntington Harbour.
3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated through the attached mitigation measures, will have a significant effect on the environment. The structural integrity of the bulkheads in Huntington Harbour has been threatened due to erosion over the years. The purpose of the project is to restore the foundation of the bulkhead and provide slope protection, which will inhibit any future scouring or erosion. The project does not propose any new development or uses, and potential impacts resulting from construction of the project are temporary and intermittent or can be adequately mitigated.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. During all phases of the project, Best Management Practices (BMPs) will be implemented to prevent and control turbidity. BMPs may include installation of a silt curtain.
2. If turbidity is observed at a distance of 100 feet or greater from the actual work site, either the work will be stopped until the water returns to normal or, if deemed necessary, a silt curtain will be installed until turbidity returns to normal.
3. An anchor management plan shall be prepared and implemented to avoid damage to eelgrass.
4. A pre-construction eelgrass survey shall be conducted to confirm that no impacts to eelgrass will occur within the area of construction as a result of the project.

5. Any reduction in acreage of eelgrass habitat shall be mitigated according to State and Federal environmental policies, which include the in-kind replacement of habitat.
6. The 11 properties requiring sheet pile installation, and impacting 401.5 square feet of soft bottom habitat, shall participate in the Soft Bottom Mitigation Plan, as approved by the California Coastal Commission under Coastal Development Permit 5-01-020. Confirmation from the California Department of Fish and Game (CDFG) shall be provided to ensure the availability of credits in the "mitigation bank" for the required square footage to be mitigated for the project. In the event that sufficient credit is unavailable, the applicant must mitigate the impacted area of soft bottom habitat at a 2:1 ratio. Any new mitigation plan shall be approved by the CDFG and the California Coastal Commission.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1:50 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 17, 2008 AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc